

IN THE DRAWINGS

Attached hereto is a proposed new Figure 4. This Figure is supported by the application, as originally filed, and thus, does not constitute new matter.

REMARKS

This amendment is in response to the Official Action mailed July 1, 2004. Claim 12 has been amended. Claims 17-20 are new. Claims 6, 7 and 9-20 are currently pending.

In the Official Action, the Examiner has objected to the drawings under 37 C.F.R. 1.83(a), as not showing every feature of the invention specified in the claims. Specifically, the Examiner objects to the recitation of a counter in claims 12 and 13. In response, the Applicant has amended claim 12 to remove the counter element but require that the separation of the units allow for the counting of the units. Similarly, Applicant hereby submits newly added Figure 4, which is a flow chart depicting the method disclosed in the application. It is noted that this figure, and its corresponding description hereby added to the specification, are supported by the application, as originally filed, and do not constitute any new matter. This figure, in accordance with 37 C.F.R. 1.83(a), properly depicts all of the claimed elements of claims 12 and 13. Therefore, it is respectfully argued that the amendment of claim 12 and newly added Figure 4 overcome the Examiner's objection to the drawings.

The Examiner has also rejected claims 6, 7 and 9-15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,779,715 to Pazdernik ("Pazdernik") and claim 16 under 35 U.S.C. §103(a) as being unpatentable over Pazdernik in view of U.S. Patent No. 5,915,523 to Spatafora ("Spatafora"). These rejections are discussed below.

Pazdernik teaches "a lane divider for automatically dividing a single row of objects into a plurality of rows." Abstract, lines 1-2. Pazdernik teaches, in accordance with the Examiner's assertions, an apparatus and method for controlling units (12) within a continuous flow from at least one incoming feeder track (14) into at least one outgoing feeder track, comprising at least one shifting unit (16) for controlled shifting of the flow into a plurality of selectable paths of the

outgoing feeder track. However, contrary to the Examiner's assertions, Pazdernik does not teach or disclose means for controlling the speeds of the respective units (12), while maintaining the continuous flow of the units without arresting the continuous flow, for separation of the units (12) in the longitudinal direction of flow, the separation enabling the controlled shifting. Rather, as disclosed in the section pointed out by the Examiner (Column 5, lines 18-29), Pazdernik teaches providing opposite point deflection minimization features. These features provide the opposite facing conveyor belts (34 and 36) of the Pazdernik shifting unit with relatively equal speed. This, in turn, prevents the hindering of movement of the units (12).

The opposite point deflection minimization features that are so important to the invention taught in Pazdernik are provided to avoid different velocities of the conveyor belts (34 and 36) of the lane divider (10), and thus, damage or a flow impediment of the units (12). Consequently, Pazdernik does not teach or suggest any means for controlling the speeds of the respective units in order to separate and distribute the units in the transport direction. In fact, Pazdernik does not teach any means for controlled separation of the units. Rather, the units in the Pazdernik system remain in similar spacing with respect to one another throughout their flow through the lane divider (10).

Therefore, it is respectfully submitted that independent claims 6, 10 and 11 are presently in condition for allowance, and such action is respectfully submitted. Dependent claims 7 and 12-15 should thus also be allowed, as they properly depend upon the aforementioned allowable independent claims. Similarly, the rejection of dependent claim 16 under 35 U.S.C. §103(a) need not be addressed as this claim properly depends upon allowable independent claim 10. Finally, newly added claims 17-20, which also properly depend from the aforementioned

allowable independent claims, are therefore also in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe such action can be taken, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any objections which he may have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge applicant's Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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